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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,875	04/07/2000	Avram Glazer	032592-003	2172
7590 05/18/2007				
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P O Box 1404		ART UNIT PAPER NUMBER		
Alexandria, VA 22313-1404		3627		
		MAIL DATE DELIVERY MODE		
		05/18/2007 PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/545,875
Filing Date: April 07, 2000
Appellant(s): GLAZER, AVRAM

MAY 18 2007

GROUP 3600

Patrick C. Keane
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/23/06 appealing from the Office action mailed 3/8/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6336131	Wolfe	January 2002
6496843	Getchius et al.	December 2002
6643696	Davis et al.	November 2003

(9) Grounds of Rejection

The following ground(s) of rejection were presented in the Final Office Action mailed 3/8/05 and are applicable to the appealed claims:

Claims 1, [and] 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe.

Wolfe '131 disclose a method for providing multiple types of content for users of the Internet, comprising the steps of: storing at least one file on at least one file server that provides Internet users with access to a plurality of different types of information and services (supplemental information 954 at the " server 906 Fig. 5 read as different types of information located on file server (database of servers which locate the

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supplemental information col. 6 lines 57,58.); establishing a connection between said file and at least one web page (web page read as document sent from web server 904 line 922 e.g. HUNAN TASTE server web page see Fig 32) and (see col. 6 lines 46-55, information sent to computer 906 included the identity of the page at 902) that is displayed at an Internet web site stored on a second server; and causing at least some of the contents of said file to appear within a banner (side by side window 320 is read as banner or see Fig. 33 for banner of "Oriental Specialties" within Hunan web site) displayed within the web page at a communications device (computer 902) whenever the communications device, interfaced with the file server and the second server, downloads said page for display (reference server 906 responds by placing supplemental information when Hunan Taste sever is accessed leading to the interfacing of the data files controlled by the reference server 906. Claim 44, see data line 924.

Claims 1-14, [and] 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe '131 in view of Davis.

Wolf reads on base claim 1 as set forth above, but is silent in the banner 320 having a menu feature. However, Davis at col. 14 lines 16-57 discloses a banner having a menu feature. It would be obvious to modify the methods of Wolfe to include such a menu feature because the motivation would be to give the user more information on a single page. RE claims 2-14, 44-46, since Davis discloses a menu with different types of interests this is read as meeting the limitations of plural topics, displays individual

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headlines associated with a selected category, community service Col. 14 line 49 links are disclosed in the menu, whether the link connects one or more sites is a mere repetition of parts. Furthermore, the use of links is read as a tag in Davis. Official notice is taken with respect to the old and notorious use of scrolling, a search function linking to products on a manufacturer's site and graphic manuals, as well as the feature of the headlines being stored in a file that is downloaded to a user's site when the user selects the category associated with the headlines.

Re claims 6, 7, 8: the Oriental Specialties contents is read as a headline in Wolfe. The official Notice taken is evidenced by Getchius et al. as follows:

claims 2, 3, 4: said banner provides access to a plurality of different categories of informational content See Fig. 9 lower menu, accounts, advertising etc.

Claim 5: see fig. 13 scrolling arrow for state selection which can obviously be used to select headlines.

claim 9, 10: Fig. 13 search capability is shown at 1806 and dialog at citylink.

claim 11: Fig. 15 product lines made available by product consumer guide.

claim 13: internet access provided at Fig. 15.

claims 14, 44, 45, 48: Fig. 16 configurability provide as create your site.

claims 47, 50: Fig. 13 the additional file is read as the state farm insurance icon which generates a connection between the additional file and an additional web page that is displayed on a second Internet website (GTE page) which is leaseable to state farm.

claim 49: business related to shoes reads on contents are modified on the file server by at least one of the communications device and the second server to display only

categories that are of interest to a user.

The recitation of configurable is read as met by the user selecting a portion of the menu and using it and thus has configured the menu for his/her use.

(10) Response to Argument

A. Rejection Under 35 U.S.C. 112

Appellant's argument has overcome the rejection.

B. Rejection Under 35 U.S.C. 102 of Claims 1 and 44 with the Wolfe Patent

Appellant has argued that Wolfe fails to teach "establishing" the connection or "causing" at least some of the contents of a file (stored on a file server) to appear within a banner displayed within a web page (stored on a second file server) at a communications device **whenever** the communications device downloads the page for display. Appellant further argues that Wolfe does "not establish a connection between at least one file on at least one file server and a web page displayed at an Internet web site stored on a second server" because it transfers information sequentially from a server to an end user.

Examiner agrees that the Wolfe system transfers information sequentially from a server to an end user as illustrated in Figure 5, but that this transfer is the established "connection", as claimed, between at least one file on a file server and a web page displayed at an Internet web site stored on a second server. Examiner has construed

the "at least one file" to be the supplemental information 954 stored on server 906 that is connected to a web page displayed at an Internet web site (such as website displayed from 904 stored on a second server 904) which is displayed whenever a specific downloaded web page has corresponding supplemental information. See also column 6 lines 56+ discussing how this supplemental information is connected to the website and inserted in to the website. Figures 4 and 32 of Wolfe clearly disclose websites which "establish" the connection or "cause" contents of a supplemental data file (stored on a file server such as 906) to appear within a banner (such as the box illustrated with the reference number 322 in figure 4, and the box illustrated with the reference number 3303 in figure 32) displayed within a web page (such as the web page shown to be the screen display of figure 4 which includes all of the figure, and the webpage shown to be the screen display of figure 32 which is stored on a second file server disclosed as server 904 in figure 5) at a communications device (such as the users computer (disclosed as 902 in figure 5) whenever the communications device downloads the page for display (whenever the user computer 902 in figure 5 downloads the webpages shown in figure 4 and 32 from the server 904 the banner will be included in the webpage because the supplemental information is connected to the page in order to display it to the user).

It appears the Appellant is arguing that the supplemental data must be communicated from the first server to the second server in order for the claimed connection to exist. This limitation is not in the claim. The supplemental information is inserted into the webpage whenever supplemental information exists, such as in the

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examples of figure 4 and 32. Examiner notes that the claim claims that the web page is displayed at the user's computer, not the server where the webpage is saved.

Additionally it does not claim that the banner information is saved within the saved webpage file as it appears the Appellant is arguing.

C. Failure to Establish a Prima Facie Case of Obviousness over the Wolfe and Getchius et al Patent

Appellant has argued that Davis and Getchius patent fail to overcome the deficiencies of the Wolfe patent. Examiner contends that the Wolf patent in itself discloses the independent claim 1 and that Davis and Getchius are used for features of the dependent claims. See explanation above regarding Wolfe disclosing the features of claim 1.

Appellant has made a blanket argument that the Examiner's citing of Getchius "fails to support any of the assertions of "Official Notice" for which it is relied upon by the Examiner and thus fails to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Appellant has merely made a statement that the reference does not support the limitations of the Official Notice and has not specifically discussed what the Getchius reference lacks.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'EG' followed by a stylized flourish.

Elaine Gort

Conferees:

Florian Zeender

A handwritten signature in black ink, appearing to be 'FZ'.

Vincent Millin

A handwritten signature in black ink, appearing to be 'VM'.